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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ALAS,

Petitioner,

v.

WILLIAM SULLIVAN,

Respondent.

C 07-3811 SI

**DECLARATION OF
COUNSEL IN SUPPORT OF
APPLICATION FOR
EXTENSION OF TIME**

I, LINDA M. MURPHY, declare under penalty of perjury as follows:

I am a Deputy Attorney General for the State of California and am assigned to represent respondent in this case.

Petitioner is a state prisoner who was convicted of second degree murder and was found to have suffered a prior serious felony conviction and to have used a weapon in committing the murder. The trial court sentenced him to 30 years to life plus six years in state prison.

Petitioner filed his petition in this Court on July 25, 2007. The Court issued an Order to Show Cause on July 31, 2007.

Decl. of Counsel in Support of App. for Ext. of Time

C 07-3811 SI

1 I have not been able to complete the response to the petition because in the weeks prior
2 to the issuance of the order to show cause, I missed a few weeks of work because of a death in
3 my family and because of a long-planned trip out-of-state to visit my husband's family. Since
4 returning to the office, I have been working diligently on my caseload. On July 26, 2007, I filed
5 respondent's brief in *People v. Pearson* (A113075). In August and September, I filed
6 respondent's briefs in *People v. Branch* (A113421) and *People v. Zook* (A115020), both of
7 which had chronological precedence over this case and both of which involved lengthy records
8 from first-degree murder convictions. I have also completed a respondent's brief in *People v.*
9 *Stonom* (A115292), to be filed tomorrow, and have begun working on my response in *People v.*
10 *Milligan* (H030704). I also have a response due to an order to show cause in *Delgado v. Yates*
11 (C-07-0181-CRB(pr)), and a Ninth Circuit brief due in *Hernandez v. Tilton* (07-16247) on
12 November 4, 2007, in addition to several other state matters. Upon completing those, which
13 have chronological precedence, I will be able to prepare a response to the instant petition.

14 I left a voicemail message for petitioner's counsel this afternoon informing her that I
15 intend to request an extension of time.

16 Accordingly, I respectfully request that the Court grant respondent an extension of
17 time to and including November 30, 2007, in which to file the answer to the petition.

1 Dated: October 1, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 RENÉ A. CHACÓN
7 Supervising Deputy Attorney General

8 /S/

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10 LINDA M. MURPHY
Deputy Attorney General
Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Alas v. Sullivan*

No.: **C 07-3811 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 1, 2007, I served the attached **APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE; DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME; ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Hilda Ellen Scheib
Attorney at Law
P.O. Box 29098
San Francisco, CA 94129**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 1, 2007, at San Francisco, California.

Susan Chiang

Declarant



Signature